

REMARKS

Applicants are amending Claims 46, 47, 52, 56, 58, 59, 61, 109, 110, 112, 113, 115, 116 and 118. These amendments are not in response to a patentability rejection.

Claims Rejections - 35 USC §103

In the Office Action, the Examiner has the following rejections under 35 USC §103:

- A. Claims 46, 47, 59, 65, 89, 90, 96, 99, 100, 106, 109, 110 and 116 are rejected as being unpatentable over Kadota et al. (US 5,818,550) in view of Yanai.
- B. Claims 48, 49, 52, 53, 60, 61, 66, 67, 91, 92, 97, 98, 101, 102, 107, 108, 111, 112, 117 and 118 are rejected as being unpatentable over Kadota et al. in view of Yanai and further in view of Seo (US 6,323,521).
- C. Claims 56, 62, 71, 74, 93, 103 and 113 are rejected as being unpatentable over Kadota et al. in view of Yanai and further in view of Ha (US 5,677,207).
- D. Claims 57, 58, 63, 64, 72, 73, 75, 76, 94, 95, 104, 105, 114 and 115 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo and further in view of Ha.
- E. Claims 77, 78 and 86 are rejected as being unpatentable over Kadota et al. in view of Yanai and further in view of Matsumoto (US 5,323,042).
- F. Claims 79, 81, 87 and 88 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo and further in view of Matsumoto.
- G. Claim 68 is rejected as being unpatentable over Kadota et al. in view of Yanai and further in view of Mikoshiba (US 5,499,123).
- H. Claims 69 and 70 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo and further in view of Mikoshiba.
- I. Claim 83 is rejected as being unpatentable over Kadota et al. in view of Yanai in view of Ha and further in view of Matsumoto.
- J. Claims 84 and 85 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo in view of Ha and further in view of Matsumoto.
- K. Claims 119, 120 and 126 are rejected as being unpatentable over Kadota et al. in view of Yanai and further in view of Kunii et al. (US 5,412,493).
- L. Claims 121, 122, 127 and 128 are rejected as being unpatentable over Kadota et

al. in view of Yanai in view of Seo and further in view of Kunii et al.

- M. Claim 123 is rejected as being unpatentable over Kadota et al. in view of Yanai in view of Ha and further in view of Kunii et al.
- N. Claims 124 and 125 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo in view of Ha and further in view of Kunii et al.
- O. Claims 129, 130 and 136 are rejected as being unpatentable over Kadota et al. in view of Yanai further in view of Kadota et al. '512 (US 6,031,512).
- P. Claims 131, 132, 137 and 138 are rejected as being unpatentable over Kadota et al. in view of Yanai in view of Seo and further in view of Kadota et al. '512.
- Q. Claim 133 is rejected as being unpatentable over Kadota et al. in view of Yanai in view of Ha and further in view of Kadota et al. '512.
- R. Claims 134 and 135 are rejected as being unpatentable over Kadota in view of Yanai in view of Ha and further in view of Kadota et al. '512.

Each of these rejections is respectfully traversed.

More specifically, each of these rejections is based on the combination of Kadota and Yanai (and other references). Applicants respectfully submit that these rejections are improper as a *prima facie* case of obviousness has not been established.

MPEP §2142 is directed to what is necessary for establishing a *prima facie* case of obviousness. The burden is initially on the Examiner to establish a *prima facie* case of obviousness. If the Examiner does not establish a *prima facie* case, then the rejection is improper and should be withdrawn. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify or combine references. MPEP §2142 states that:

“When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper...A statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the examiner procedurally fails to establish a *prima facie* case of obviousness.” [citations omitted]

In this case, the Examiner has failed to show a proper motivation to combine Kadota and Yanai to arrive at the claimed invention.

In particular, in the Office Action, the Examiner contends that “it would have been obvious to one of ordinary skill in the art at the time of the invention to have a color filter, wherein the color filter covers the entire first thin film transistor in order to provide a color filter that can adequately emit multiple colors from a thin film transistor” (Ins. 2-5 on page 3 of Office Action). This apparently is the Examiner’s alleged motivation to combine Kadota and Yanai as the Examiner provides no other statements that could be alleged to be a motivation. There is, however, no support in the cited references for this alleged motivation as none of the cited references disclose “provide a color filter that can adequately emit multiple colors from a thin film transistor,” and the Examiner has provided no explanation of where this alleged motivation may be found. Further, this statement provides no explanation or support for use of a color filter that covers the entire first thin film transistor, as recited in the claimed invention, and is not even directly related to this claimed feature. At most, it could be said that this is a general feature of some but not all color display devices or color filters.

Hence, there is no proper motivation provided in the Office Action for the combination of Kadota and Yanai, and therefore, no *prima facie* case of obviousness has been established, and all of the §103(a) rejections which are based on this combination are defective. Accordingly, it is respectfully requested that all of the §103(a) rejections be withdrawn.

New Claims

Applicants are adding new dependent Claims 139-145 which recite the feature of a second conductive layer formed over the interlayer insulating film and electrically connected to the other of the source and drain regions of the first thin film transistor, wherein the color filter covers an entire surface of the first conductive layer and an entire surface of the second conductive layer except for a part of the first conductive layer overlapping the opening through

which the pixel electrode is electrically connected to the first conductive layer. This is shown, for example, in Fig. 28A of the present application.

Applicants respectfully submit that this feature is not disclosed or suggested by cited references. For example, Yanai discloses the surface of drain electrode 6 covered by color filters 9 and 10 but not covered by a single color filter. As the Examiner admits Kadota does not disclose a single color filter that covers the entire first film transistor and hence, cannot disclose or suggest the feature of these new claims. Therefore, new Claims 139-145 are not disclosed or suggested by the cited references and are patentable thereover.

Further, as each of these claims is a dependent claim, they are allowable for at least the same reasons as the independent claims.

Therefore, it is respectfully requested that these new claims be entered and allowed.

If any fee should be due for these new claims, please charge our deposit account 50/1039.

Conclusion

Accordingly, Applicants respectfully submit that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: November 7, 2005



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